

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

vs.

CHRISTOPHER A. FAULKNER, et al.

Defendants.

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Civil Action No. 3:16-CV-1735-D

STATE COURT PLAINTIFFS' OBJECTIONS AND RESPONSE TO
RECEIVER'S MOTION TO APPROVE ROTHSTEIN
KASS SETTLEMENT #591

I.

Contrary to Receiver's Motion to Approve Settlement, the Motion is opposed. Although Jinsun, L.L.C., Silver Star Holdings Trust, TPH Holdings, L.L.C., Vertical Holdings, L.L.C., Steven M. Plumb, and J. Leonard Ivins (collectively, "State Court Plaintiffs") do not oppose Receiver settling with Rothstein Kass for \$7,000,000, they strongly oppose a condition of the settlement, which would require an entry of a Bar Order that would take away State Court Plaintiffs' direct claims.

On this day, State Court Plaintiffs filed their Response to Receiver's Motion to Enter a Bar Order and they also filed a Motion for Leave to file various confidential documents germane to these issues under seal. State Court Plaintiffs incorporate by reference those filings as set forth fully herein.

As articulated in their Response to Receiver's Motion for a Bar Order, this Court should approve the \$7,000,000 settlement between Receiver and Rothstein Kass; *however*, it should *deny* any request for a Bar Order for the reasons articulated in State

Court Plaintiffs' Response, and it should lift the Stay so that State Court Plaintiffs can liquidate their direct tort claims against Rothstein Kass.

WHEREFORE, PREMISES CONSIDERED, State Court Plaintiffs pray that this Court grant their Third Motion to Lift the Stay and deny Receiver's Motion to Enter a Bar Order, which was subsequently joined by Rothstein Kass.

Respectfully Submitted,

BRIAN LAUTEN, P.C.



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TRUST, TPH HOLDINGS, L.L.C., AND
VERTICAL HOLDINGS, L.L.C.**

CERTIFICATE OF SERVICE

In accordance with Rule 5b of the Federal Rules of Civil Procedure, the undersigned certifies that a true and correct copy of the foregoing instrument has been served upon all counsel of record via the ECF case manager system on this the 19th day of May 2021.

/s/ Brian P. Lauten

BRIAN P. LAUTEN